

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**TINA WILLIAMS, et al.,  
Plaintiffs,**

**v.**

**SWEET HOME  
HEALTHCARE, LLC, et al.,  
Defendants.**

:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION**

**No. 16-2353**

**FILED**  
**MAR 13 2018**  
KATE BARNHART, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

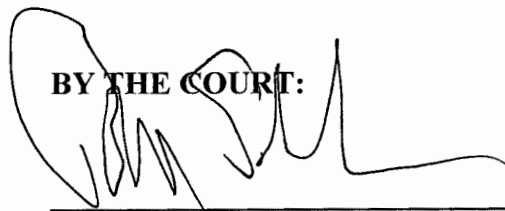
**AND NOW**, this 12<sup>th</sup> day of **March, 2018**, upon consideration of the parties' proposed Notice of Class and Collective Actions, it is hereby **ORDERED** that:

1. The Court finds the proposed notice inadequate. The parties shall revise the notice, taking into consideration the following:
  - (a) The notice does not use sufficiently concise and easily understood language as required by Rule 23(c)(2)(B). In order to ensure compliance with this rule, the parties are encouraged to consult the resources available from the Federal Judicial Center, including the *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide* and the illustrative notice examples. In particular, the parties are encouraged to consider employing a "Q&A" format. Furthermore, the parties are encouraged to make the notice more succinct, bearing in mind that while the notice must make class members aware of their rights and options and the details listed in Rule 23, it need not include every detail about the case.
  - (b) In order to minimize confusion, the notice should be revised to better and more prominently explain the distinction between the opt-in nature of the

FLSA collective action and the opt-out nature of the Rule 23 class action.

- (c) The *Manual for Complex Litigation* notes that a “simple and clear form for opting out is often included with the notice.” § 21.311 (2004). The proposed notice includes a FLSA collective opt-in form, but no Rule 23 class opt-out form. The parties should consider whether including an opt-out form would increase or reduce the potential for confusion among class members, and shall include an opt-out form if appropriate.
2. In order to allow the Court to ensure that the notice plan will provide the best notice practicable, the parties shall provide the Court with the following information regarding the notice plan: whether a claim administrator will be used, the method of sending individual notice to class members, and whether and how notice by publication will be used, along with any other relevant information.
3. The parties shall submit the revised notice and the notice plan by **March 19, 2018.**

BY THE COURT:



---

**Berle M. Schiller, J.**